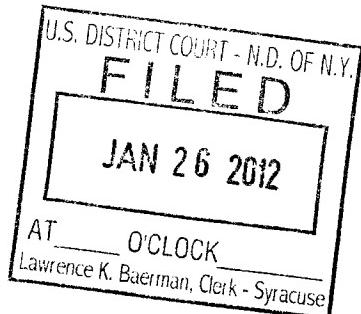


United States District Court  
Northern District of New York  
Gregory Walker,  
Plaintiff

v.  
Michael J. Astrue,  
Commissioner of Social  
Security Administration;  
Sherry L. Ziporin, Associate  
Commissioner of Social  
Security Administration; and  
Social Security Administration  
in their individual and official  
capacities.

Defendants



6:12-cv-187

Civil Complaint

This is a Freedom of Privacy action filed by Gregory Walker, a state prisoner, alleging violation of his right to access information, and seeking money damages and injunctive relief.

### Turisdiction

1. This is a civil action under the Freedom of Information Act (5 U.S.C. § 552) and Privacy Act (5 U.S.C. §§ 552a, 552d) which the court finds this court has jurisdiction.

### Parties

2. Plaintiff (Plt) Gregory Walker is presently

incarcerated at Mohawk Correctional Facility (MCF)  
Marsh, Rome, NY 13442, Oneida County.

3. Defendant (Det) Social Security Administration (SSA), Windsor Park Blge, 6401 Lee-  
ning Blvd., Baltimore MD 21235. is a  
U.S. Government agency responsible for  
inter alia, disclosing information under FOIA/H  
PA.

4. Det Michael J. Astene (Astene) is  
Commissioner of SSA and responsible for  
the operation and management of SSA.

5. Det Shelly T. Zepnick (Zepnick) is  
Associate Commissioner of SSA and responsible  
for fulfilling FOIA/PA request.

6. At all times relevant Astene and Zepnick  
(collectively/respectively referred to as  
Dets) were acting in their official capacities  
as employees of SSA and also sued in their  
individual and official capacities.

### Facts

7. On or about June 2003, Plaintiff's Father, Lawrence  
Richardson was diagnosed with pancreatic  
cancer and given 6 mos. to live, and thereby - and  
that applied for and received Social Security  
benefits, at age 55.

8. On 9-22-04, Richardson succumbed to said  
ailment.

9. Richardson named Plaintiff as a beneficiary of

a \$40,000 life Insurance.

10 Upon filing for said benefit, the insurer denied the benefit, stating: "... PIA must prove Richardson was disabled on or before a specified date to obtain benefit."

11. On 4.9.08, PIA submitted to Astreee: 1) FOIA request seeking confirmation that Richardson's disease was the basis for his receiving SSI benefits; and 2) PIA's proof of lineage. (see Exhibit '1')

12. On or about 7.23.08, after not receiving a response to request dated 4.9.08, PIA submitted a FOIA request seeking said information in P 11. (see Exhibit '2')

13. On 8.4.08, PIA received an undated standard letter from Ziporkin, stating: "... Persons can not receive SSI benefits." (see Exhibit '3')

14. On 8.27.08, PIA sent Astreee an appeal and advised, PIA exclusively sought / seeks atforesaid information about Richardson. On 8.31.08 PIA received a copy of the same letter from Ziporkin, she had previously sent PIA. Because it is impossible to misconstrue both letters, PIA must accept her responses as denials and thereby appeal. (see Exhibit '4')

15. On 1.21.09, Ziporkin sent PIA a letter

stating: "PAH's father's records are currently in our Northeastern garn programs service center (NPSC). Officials there will look into the situation you described and reply directly to you." (See Exhibit 5); and

16. However, PAH has not received a reply from NPSC.

17. On 10-27-09, Zaporhij sent PAH another standard letter advising, persons are not entitled to 551 benefits. (see Exhibit 6).

18. On 10-6-11, PAH filed another appeal to Asylum concerning the above said facts of PP7-17, and requested said sought information; and

19. However, PAH has not received a reply from Asylum.

20. Defs' actions in PP11-19 above is Tantamount to denying said sought information.

#### Claims

#### 1st cause of Action

21. The actions of the Defs stated in PP11-20 violated their duty to disclose and PAH's right to access information under F.O.I.A., 5 U.S.C. § 552.

22. The Defs, violated their duty to disclose and PAH's right to access information under

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I see Exhibit 7.

F.O.I.A. when:

- a. They failed/refused to disclose to Plaintiff the basis for his father receiving SSI benefits.

2nd Cause of Action

23. The actions of the Dfts. stated in PP 11-20 violated their duty to disclose and Plaintiff's right to access information under P.A. 545.c. § 552a.

24. The Dfts. violated their duty to disclose and Plaintiff's right to access information under P.A. when:

- a. They failed/refused to disclose to Plaintiff the basis for his father receiving SSI benefits.

Relief

Wherefore, Plaintiff requests this Honorable Court grant the following relief:

A. Issue an injunction ordering the Dfts to disclose to Plaintiff said information identifying was Richardson receiving SSI benefits based on his disability, and the date he was deemed disabled.

B. Grant compensatory damages in the following amount:

1) \$15,000 against the Dfts. respectively.

2). \$ 40,000 against the deft. respectively &  
their actions results in all forfeiting the  
insurance benefit.

c. Grant punitive damages in the following  
amounts:

1). \$15,000 against the defts. respectively.

d. Grant such other and different relief  
as may be just & proper.

Served & before me this  
13 day of ~~July~~, 2011

Notary Public

JOHN C. BOYEA  
Notary Public - State of New York  
No. 01B06073073  
Qualified in Oneida County  
My Commission Expires April 15, 2014

Respectfully Submitted  
Warren S. Warren, G. (94498617)  
Plaintiff Leo Le  
Mohawk C.F. Walsh  
P.O. Box 8451  
Longer, N.Y. 13942

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